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November 22, 2023

Via ECF

Hon. Victoria Reznik
United States District Court for the
Southern District of New York
300 Quarropas Street, Room 630
White Plains, NY 10601

MEMO ENDORSED

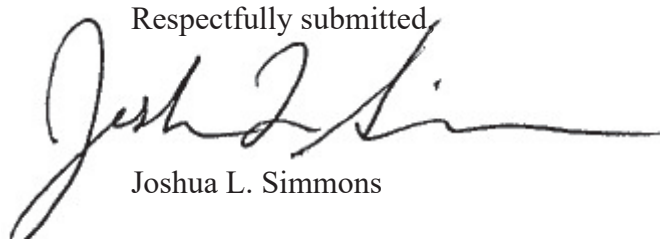
Re: *IBM Corp. v. Micro Focus (US), Inc.*, No. 22 Civ. 9910 (S.D.N.Y.)

Dear Judge Reznik:

We represent Plaintiff IBM Corporation in the above-referenced litigation. On November 13, 2023, IBM wrote to request a pre-motion conference regarding Defendant Micro Focus (US), Inc.'s failure to produce certain categories of documents called for by IBM's requests for production. Dkt. 117. On November 20, 2023, Micro Focus responded to IBM's letter. Dkt. 119.

Although IBM disagrees with Micro Focus's letter, including because it is based on a production of documents Micro Focus made the day the letter was filed and contains other mischaracterizations, IBM understands that Your Honor's Individual Rules do not contemplate reply letters. Micro Focus's letter, however, contains two pages of new issues that were not raised in IBM's letter. As Micro Focus has not requested a pre-hearing conference on those issues, IBM understands Micro Focus not to be seeking relief from the Court. To the extent that the Court contemplates granting relief related to those issues, IBM respectfully requests the opportunity to respond in writing after the Thanksgiving holiday.

Respectfully submitted,



Joshua L. Simmons

cc: Counsel of record (via ECF)

Plaintiff is directed to file a written response to Defendant's letter (ECF No. 119) no later than Friday, 12/1/23.

The court will hold a telephonic conference on Thursday, 12/7/23 at 3:30 pm. The parties are to dial in to the ATT conference line at 877-336-1839, enter access code 5999739 and press # to enter the conference.